



February 20, 2009

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## HOUSE BILL No. 1477

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DIGEST OF HB 1477 (Updated February 18, 2009 12:05 pm - DI 109)

**Citations Affected:** IC 20-20.

**Synopsis:** Establishment of online learning cooperative. Authorizes the department of education to establish an online learning cooperative.

**Effective:** July 1, 2009.

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January 14, 2009, read first time and referred to Committee on Education.  
February 19, 2009, amended, reported — Do Pass.

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HB 1477—LS 7152/DI 109+



February 20, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1477

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 20-20-37 IS ADDED TO THE INDIANA CODE  
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]:

4 **Chapter 37. Indiana Virtual Learning Cooperative**

5 **Sec. 1. As used in this chapter, "base school corporation" means**  
6 **the school corporation in which a student has legal settlement.**

7 **Sec. 2. As used in this chapter, "online learning program"**  
8 **means an interactive course or program that:**

- 9 (1) delivers instruction from a teacher to a student by  
10 computer;  
11 (2) is combined with other traditional delivery methods that  
12 include frequent student assessment and may include actual  
13 teacher contact time; and  
14 (3) meets or exceeds state academic standards.

15 **Sec. 3. As used in this chapter, "online learning provider"**  
16 **means any of the following that provide online learning:**

- 17 (1) A school corporation.

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(2) An organization of two (2) or more school corporations operating under a joint agreement.

(3) A charter school located in Indiana.

(4) An institution of higher learning located in Indiana.

(5) A private distance learning curriculum provider.

Sec. 4. As used in this chapter, "virtual learning cooperative" refers to the Indiana virtual learning cooperative established by section 5 of this chapter.

Sec. 5. The Indiana virtual learning cooperative is established to deliver courses and other instructional activities through online learning technologies. The department shall:

(1) organize the virtual learning cooperative;

(2) approve online learning providers according to rigorous academic and fiscal requirements; and

(3) determine the total allowable cost of an online learning program according to the following guidelines:

(A) A student enrolled in a public school may not be charged additional tuition or fees except for instructional materials.

(B) A student enrolled in a nonpublic school may enroll in a state supported online learning program. However, the nonpublic school or the student's parent shall pay one hundred percent (100%) of the total cost of the online learning program. Public tax revenues may not be used to provide an online learning program to a student who is enrolled in a nonpublic school.

(C) A student who is homeschooled may enroll in a state supported online learning program. However, the student's parent shall pay one hundred percent (100%) of the total cost of the online learning program. Public tax revenues may not be used to provide an online learning program to a student who is homeschooled.

(D) For an online learning program delivered by a private provider, the price charged to a virtual learning cooperative participant must be the lowest price offered for the course to any customer.

(E) For an online learning program delivered by an institution of higher education, indirect charges may not be more than five percent (5%) of the total charges.

Sec. 6. The department may contract with a public school, an institution of higher education, or a private online learning provider to deliver online learning programs or other instructional

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activities. The online learning program must comply with the following requirements:

(1) Courses offered for academic credit must be aligned with the state's academic standards and approved by the state board.

(2) Teachers must meet state teacher licensing standards under IC 20-28 except in cases in which a course is taught by a university faculty member when the school corporation cannot provide a licensed teacher. In such a case, the school corporation shall provide a qualified monitor to assist students enrolled in the online learning programs. A qualified monitor must be a licensed teacher in the general subject matter of the online learning program.

(3) Course class sizes or caseloads must be consistent with and comparable to generally accepted standards for classroom sizes or caseloads.

Sec. 7. The department may establish a rental program for home based instructional technologies for a student enrolled in an online learning program. Rental fees shall be charged to the parent of a student enrolled in an online learning program according to policies consistent with textbook rental policies.

Sec. 8. A school corporation may participate in the virtual learning cooperative by resolution of the governing body.

Sec. 9. (a) Student enrollment in an online learning program must be by joint agreement of the school corporation and the student's parent or guardian.

(b) A student who attends a public school may enroll in an online learning program only up to a half-time student basis.

Sec. 10. A homebound student or a student placed in an alternative education program may be enrolled in an online learning program subject to the agreement of the online learning provider and the student's parent or guardian.

Sec. 11. A student's online learning daily assignments must be graded according to the same standards as all other students' daily assignments.

Sec. 12. The parent of a student enrolled in an online learning program must attest that the student did the work assigned to the student.

Sec. 13. If a student enrolled in an online learning program cheats or plagiarizes, the student shall be penalized according to the school's established cheating or plagiarism policy.

Sec. 14. If an online learning program requires a final

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1 examination, a student enrolled in the online learning program  
2 must take the final examination in person at a site approved by the  
3 school corporation.

4 Sec. 15. When a student enrolls in an online learning program  
5 at a public school where the student has legal settlement, there is  
6 no change in:

7 (1) the ADM of the school corporation; or

8 (2) state assistance to the school corporation.

9 Sec. 16. If a school corporation in which a student has legal  
10 settlement allows a student to enroll in a virtual learning course  
11 when a regular course is offered and available at the school where  
12 the student attends school, the school corporation shall have its  
13 regular education funding for the student reduced by eight percent  
14 (8%) per course.

15 Sec. 17. The department shall develop guidelines and the state  
16 board shall adopt rules under IC 4-22-2 to implement this chapter.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1477, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 25, delete "online learning provider" and insert "**school corporation**".

Page 4, line 3, delete "state board." and insert "**school corporation**".

Page 4, line 9, delete "The following apply when a student enrolls in an online" and insert "**If a school corporation in which a student has legal settlement allows a student to enroll in a virtual learning course when a regular course is offered and available at the school where the student attends school, the school corporation shall have its regular education funding for the student reduced by eight percent (8%) per course.**".

Page 4, delete lines 10 through 38.

Page 4, line 39, delete "Sec. 18." and insert "**Sec. 17.**".

and when so amended that said bill do pass.

(Reference is to HB 1477 as introduced.)

OXLEY, Chair

Committee Vote: yeas 5, nays 3.

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